

House File 629

H-1332

1 Amend House File 629 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <DIVISION I

5 AUTOMATED OR REMOTE SYSTEMS FOR TRAFFIC LAW ENFORCEMENT

6 Section 1. NEW SECTION. 321P.1 Definitions.

7 As used in this chapter, unless the context otherwise
8 requires:

9 1. *"Automated or remote system for traffic law enforcement"*
10 or *"system"* means a camera or other optical device designed to
11 work in conjunction with an official traffic control signal or
12 speed measuring device to detect motor vehicles being operated
13 in violation of traffic laws, the use of which results in the
14 issuance of citations sent through the mail or by electronic
15 means.

16 2. *"Critical traffic safety issues"* include traffic
17 violations resulting in a traffic collision or accident and
18 traffic collisions and accidents resulting in serious injury or
19 death occurring at a location.

20 3. *"Department"* means the state department of
21 transportation.

22 4. *"Local authority"* means a county or municipality
23 having authority to adopt local police regulations under the
24 Constitution of the state of Iowa and laws of this state.

25 Sec. 2. NEW SECTION. 321P.2 Permit required.

26 A person shall not use an automated or remote system for
27 traffic law enforcement unless authorized under this chapter.
28 A local authority shall not adopt, enforce, or otherwise
29 administer an ordinance authorizing the use of a system, and
30 shall not use a system, unless the local authority holds a
31 valid permit to use a system at the system's location. A local
32 authority may apply for a permit by submitting an application
33 to the department in a manner determined by the department.
34 The department may approve or disapprove the application for a
35 permit based on the department's determination that a system is

1 appropriate and necessary and the least restrictive means to
2 address the critical traffic safety issues at a location. The
3 department shall only approve one permit for a local authority,
4 which shall set forth all locations at which a local authority
5 is authorized to use a system. A local authority may submit an
6 application to the department to update the local authority's
7 permit with a new location in the same manner and with the same
8 information as required for the initial permit. An application
9 for a permit must contain all of the following for a location
10 at which the local authority intends to operate a system:

11 1. Records detailing the number and description of traffic
12 violations at the location, which shall be compiled and
13 maintained by the local authority for at least one year prior
14 to the installation of the system and for each year the system
15 is in operation. The records shall be considered public
16 records for purposes of chapter 22.

17 2. Records detailing the number and severity of traffic
18 collisions and accidents occurring at the location, which
19 shall include a comparison of measured traffic collision and
20 accident data at the location with traffic collision and
21 accident data from other similar locations within the local
22 authority's jurisdiction, other similar jurisdictions, and
23 larger metropolitan areas.

24 3. An analysis of existing traffic speed data, posted speed
25 limits, traffic volume data, and intersection and roadway
26 measurements of the location. The analysis must demonstrate
27 to the department that existing speed restrictions and traffic
28 control signal timing are appropriate and must describe how
29 the speed restrictions and traffic control signal timing were
30 established.

31 4. The proposed cause of critical traffic safety issues at
32 the location.

33 5. Alternative methods to improve traffic safety at the
34 location that the local authority has implemented or has
35 considered but declined to implement. Alternative methods

1 to improve traffic safety may include but are not limited to
2 changes relating to law enforcement practices, roadway or
3 intersection design, traffic control devices used, and public
4 education campaigns.

5 6. Details of discussions, if any, held with an entity that
6 has resources which may aid the reduction of traffic collisions
7 and accidents caused at the location by failure to obey speed
8 restrictions or traffic control signals and subsequent actions
9 taken by the local authority.

10 7. An explanation detailing the reasons that the use of a
11 system at the location is appropriate and necessary and the
12 least restrictive means to address the critical traffic safety
13 issues.

14 Sec. 3. NEW SECTION. 321P.3 Use limited.

15 1. A local authority shall not use an automated or remote
16 system for traffic law enforcement to issue a citation for
17 a traffic violation unless the violation is for any of the
18 following:

- 19 a. Failure to yield or stop at an intersection controlled by
20 a traffic control signal.
- 21 b. Failure to yield or stop at a railroad crossing.
- 22 c. Exceeding the speed limit by more than ten miles per
23 hour.

24 2. A local authority shall not use a mobile system to issue
25 a citation for a traffic violation, regardless of whether the
26 mobile system is placed at an approved location under the local
27 authority's permit.

28 3. A local authority may issue a warning memorandum to the
29 owner of a vehicle that was operated in violation of a traffic
30 law if the violation was detected by an automated or remote
31 system for traffic law enforcement, including a mobile system.

32 Sec. 4. NEW SECTION. 321P.4 Notice — signage and reports.

33 1. A local authority shall not operate an automated or
34 remote system for traffic law enforcement unless permanent
35 signs meeting the requirements as specified in the department

1 manual on uniform traffic-control devices and giving notice of
2 the system are erected at least five hundred feet but not more
3 than one thousand feet along the approach of the highway where
4 the system is used. Signs required under this subsection shall
5 be erected by the local authority at the local authority's
6 expense at least thirty days prior to the system enforcing any
7 detected violations.

8 2. A local authority using a system shall submit to the
9 department an annual report by March 1 of each year detailing
10 the number of traffic collisions and accidents that occurred at
11 each location where a system is in use, the number of citations
12 issued for each system during the previous calendar year, and
13 any other relevant information about the systems that the local
14 authority deems appropriate. The local authority shall post
15 the report on the local authority's internet site, if the local
16 authority has an internet site.

17 Sec. 5. NEW SECTION. 321P.5 Enforcement.

18 1. A local authority shall not issue a citation or warning
19 memorandum for a violation detected by a system until a peace
20 officer of the local authority has reviewed and approved the
21 recorded photograph or video to affirm a traffic violation
22 occurred.

23 2. a. For a violation other than an excessive speed
24 violation, the amount of the fine imposed by a citation
25 resulting from a violation detected by a system shall not
26 exceed the amount of the scheduled fine for the violation under
27 section 805.8A.

28 b. For an excessive speed violation detected by a system
29 other than as provided in paragraph "c", the fine shall not
30 exceed the following amounts:

31 (1) Fifty dollars for speed greater than ten miles per hour
32 in excess of the limit but not more than twenty miles per hour
33 in excess of the limit.

34 (2) Seventy-five dollars for speed greater than twenty
35 miles per hour in excess of the limit but not more than thirty

1 miles per hour in excess of the limit.

2 (3) Two hundred fifty dollars for speed greater than thirty
3 miles per hour in excess of the limit.

4 *c.* For an excessive speed violation detected by a system in
5 a road work zone, as defined in section 321.1, the fine shall
6 not exceed the following amounts:

7 (1) One hundred dollars for speed greater than ten miles per
8 hour in excess of the limit but not more than twenty miles per
9 hour in excess of the limit.

10 (2) One hundred fifty dollars for speed greater than twenty
11 miles per hour in excess of the limit but not more than thirty
12 miles per hour in excess of the limit.

13 (3) Five hundred dollars for speed greater than thirty miles
14 per hour in excess of the limit.

15 3. A system not in compliance with this chapter shall not
16 be used to detect violations. A citation issued while the
17 system is not in compliance with this chapter is void and
18 unenforceable.

19 **Sec. 6. NEW SECTION. 321P.6 Liability for violations**
20 **detected.**

21 1. A citation for a violation detected by an automated or
22 remote system for traffic law enforcement shall be issued to
23 the owner of the identified motor vehicle.

24 2. *a.* Notwithstanding subsection 1, a local authority shall
25 provide the owner of a motor vehicle who receives a citation
26 for a violation detected by a system with an opportunity
27 to submit evidence that the owner was not operating the
28 motor vehicle at the time of the violation. As part of the
29 proceeding, the owner shall provide the name and address of the
30 person who was operating the motor vehicle at the time of the
31 violation.

32 *b.* Notwithstanding subsection 1, a citation issued to the
33 owner of a motor vehicle may be amended and issued to the
34 person identified under paragraph "a" who was operating the
35 motor vehicle. However, the owner of the motor vehicle shall

1 pay the fine if the person operating the motor vehicle does not
2 pay the fine.

3 3. For purposes of this section, "owner" means a person
4 who holds the legal title to a motor vehicle. However, if the
5 motor vehicle is the subject of a security agreement with a
6 right of possession in the debtor, the debtor is deemed the
7 owner for purposes of this section, or if the motor vehicle is
8 leased as defined in section 321.493, the lessee is deemed the
9 owner for purposes of this section.

10 Sec. 7. NEW SECTION. 321P.7 Revenue — disbursement and
11 retention.

12 A local authority that operates an automated or remote
13 system for traffic law enforcement under this chapter shall
14 remit monthly to the treasurer of state ten percent of the
15 moneys from the use of the system, not including the cost to
16 install, operate, and maintain the system. Moneys remitted
17 under this section shall be deposited in the road use tax fund.
18 The remaining moneys retained by the local authority shall be
19 used only for public safety or improvements to transportation
20 infrastructure within the local authority's jurisdiction.

21 Sec. 8. NEW SECTION. 321P.8 Installation and maintenance.

22 1. A local authority shall install a system in a manner that
23 minimizes the effect of camera flash on drivers, if a camera
24 flash is used.

25 2. An automated or remote system for traffic law enforcement
26 shall only record a photograph or video of a vehicle and the
27 vehicle's registration plate while the vehicle is used to
28 commit an alleged traffic violation. A local authority shall
29 not install a system such that the system's camera is placed
30 to capture the face of any person in the motor vehicle being
31 recorded. If a person's face is unintentionally captured by
32 the system, the person's face shall be obfuscated by the local
33 authority in any recording released to a person other than an
34 employee or agent of the local authority, unless otherwise
35 ordered by a court. The system's unintentional capture of a

1 person's face does not invalidate the associated citation.

2 3. An automated or remote system for traffic law enforcement
3 shall comply with the generally accepted procedures for
4 operating the system.

5 4. A system shall verify its internal calibrations daily,
6 and a person trained in the calibration of the system shall
7 conduct a monthly calibration.

8 5. A local authority operating a system shall maintain
9 a monthly log detailing whether a person trained in the
10 calibration of the system successfully performed the monthly
11 calibrations and whether the system successfully performed the
12 daily internal calibrations.

13 6. The log and documentation of the calibrations required
14 under this section are admissible in any court proceeding
15 relating to a violation detected by the system.

16 7. If a daily or monthly calibration is not successfully
17 performed, the system shall not operate until a successful
18 calibration is subsequently performed.

19 DIVISION II

20 EXISTING SYSTEMS

21 Sec. 9. EXISTING SYSTEMS.

22 1. A local authority using an automated or remote system
23 for traffic law enforcement prior to April 1, 2023, may submit
24 to the department of transportation by April 1, 2023, a list
25 of system locations and justifications for placement and use
26 of the systems at the locations in conformance with section
27 321P.2, as enacted in this Act, to the extent practicable, as
28 determined by the department. The department may, by July
29 1, 2023, issue a permit to the local authority as provided
30 in section 321P.2, as enacted in this Act. If, on July 1,
31 2023, the local authority has not been issued a permit by the
32 department, the local authority shall cease using all systems
33 until the local authority obtains a permit from the department
34 pursuant to section 321P.2, as enacted in this Act.

35 2. A local authority using an automated or remote system

1 for traffic law enforcement at a location for the first time
2 on or after April 1, 2023, shall not be issued a permit by the
3 department of transportation pursuant to section 321P.2, as
4 enacted in this Act, before July 1, 2025.

5 Sec. 10. EFFECTIVE DATE. This division of this Act, being
6 deemed of immediate importance, takes effect upon enactment.>

7 2. Title page, by striking lines 1 and 2 and inserting
8 <An Act regulating the use of automated or remote systems
9 for traffic law enforcement, and including effective date
10 provisions.>

P. THOMPSON of Boone